

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

KENNETH RHODES,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION,

Defendant

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Case No. 2:13-cv-00541-JRG-RSP

**ORDER**


Plaintiff Kenneth Rhodes filed the above-styled and numbered civil action pursuant to the Social Security Act, Section 205(g), for judicial review of the Commissioner's denial of his application for Social Security benefits. The cause of action was referred to United States Magistrate Judge Roy S. Payne, who issued a Report and Recommendation concluding that the decision of the Commissioner should be reversed and the cause should be remanded to the Commissioner of the Social Security Administration for further proceedings.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Neither party has filed any objections. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that the decision of the Commissioner is **REVERSED** and that the cause be remanded to the Commissioner of the Social Security Administration for proceedings consistent with this Court's opinion. It is further **ORDERED** that any motion not previously ruled on is **DENIED**.

**So Ordered and Signed on this**

**Sep 29, 2015**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE